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EXAMINER	
RAHMAN, FAHMIDA	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/612,942	KITAGAWA, TOORU	
	Examiner	Art Unit	
	FAHMIDA RAHMAN	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10 and 12-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-10, 12-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This final action is in response to communications filed on 4/28/08.

2. Claims 17 and 18 have been added.

3. Claims 3, 11 have been cancelled.

4. No claims have been amended.

5. Claims 1-2, 4-10, 12-18 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 4, 5, 7, 8, 9, 10, 12, 13, 15, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US Patent 6826715), in view of Cleary et al (US patent 5504905), further in view of Blumenau et al (US Patent 6240511).

For claim 1, Meyer et al teach the following limitations:

A management method of hardware configuration information by a computer (lines 55-59 of column 1) **by which hardware configuration**

information of each device constituting the computer is managed (lines 38-40 of column 3)**, said management method comprising the steps of:**

- **acquiring hardware configuration information of each device** (lines 52-57 of column 2) **at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program), **each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);
- **and recording the acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **with a hardware configuration information acquired previously** (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved), **the previously acquired hardware configuration information containing a comparison field** (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record), **the recording is performed by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation

produces a record of configuration in a non-volatile storage medium. It is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information),

- **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column 10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 2, Meyer et al teach the following limitations:
The management method of hardware configuration information further comprising the steps of:

- **reading out the hardware configuration information acquired in the past and recorded in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);
- **comparing the readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);
- **and displaying the comparison result onto a predetermined display unit** (lines 1-7 of column 3; Fig 2)

For claim 4, note table Compaq Diagnostics for Windows 2.11 in columns 3 through 24, in Meyer, which show the version number related to each product.

For claim 5, Cleary et al teach that the computer is client connected to a server through a network and the server receives client hardware configuration information acquired by the client through the network, and the server records them in the non-volatile memory (lines 30-52 of column 11).

For claim 7, Meyer et al teach the following limitations:

A recording medium in which a program ("stored diagnostic program" in line 60 of column 1) **managing hardware configuration information of each device constituting a computer** (lines 55-59 of column 1) **is stored, wherein said program comprises:**

- **a process of acquiring hardware configuration information of each device** (lines 52-57 of column 2) **at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program)**, each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);
- **a process of recording the acquired hardware configuration information into a predetermined nonvolatile storage medium** (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **with a hardware configuration information acquired previously** (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved)**, the previously acquired hardware configuration information containing a comparison field** (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record), **the recording is performed by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation produces a record of configuration in a non-volatile storage medium. It

is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information),

- **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS. (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is

activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column 10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 8, Meyer et al teach the following limitations:

wherein said program further comprises:

- **a process of reading out hardware configuration information which was acquired in the past and is stored in the nonvolatile**

storage medium (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool)**;**

- **a process of comparing said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2)**;;**
- **and a process of displaying the comparison result onto a predetermined display unit (**lines 1-7 of column 3; Fig 2)

For claim 9, Meyer et al teach the following limitations:

A computer having a plurality of devices (Fig 3) **comprising:**

an acquisition section by which hardware configuration information of each device (lines 52-57 of column 2) **is acquired at a plurality of predetermined timing sets** (lines 18-22 of column 25) **by operation of a single computer program** (Compaq diagnostic record tool "cpdiaga.exe" mentioned in line 53 of column 2 is a single computer program)**, each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup);

and a recording section which records the acquired hardware configuration information into a predetermined nonvolatile storage medium (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **with a hardware configuration information acquired previously** (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved)**, the previously acquired hardware configuration**

information containing a comparison field (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record), **the recording is performed by operation of the single computer program** (the cpdiaga.exe is the single executable program whose operation produces a record of configuration in a non-volatile storage medium. It is the operation of single executable cpdiaga.exe that performs both recording and acquiring of the captured hardware information), **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Although the system of Meyer et al teaches the limitation that the configuration can be captured at each start up, it does not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, it is BIOS that executes during startup. In addition, line 24 of column 27 mentions that BIOS data has been captured. Therefore, it is likely that the configuration is captured during execution of BIOS too.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is

determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column 10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that

executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 10, Meyer et al teach the following limitations:

- **a comparison section which reads out the hardware configuration information acquired in the past and stored in the nonvolatile storage medium** (line 63-65 of column 2 mention that the base.log 202 in Fig 2 is read out by Compaq Diagnostics System Record tool);
- **and compares said readout hardware configuration information with the acquired hardware configuration information** (lines 63-67 of column 2);
- **and a display section which displays the comparison result onto a display unit (**lines 1-7 of column 3; Fig 2)

For claim 12, note table Compaq Diagnostics for Windows 2.11 in columns 3 through 24 in Meyer, which show the version number related to each product.

For claim 13, Meyer et al teach:

A computer connected through a network (lines 45-50 of column 25 mention that other processing of configuration data could occur remotely by a computer at the customer service site. Thus, a computer is connected through a network) **to another computer having a plurality of devices** (Fig 3) **comprising:**

- **a reception section which receives hardware configuration information of each device** (lines 52-57 of column 2) **acquired at a plurality of predetermined timing sets** (lines 52-57 of column 2) **from the other computer through the network** (customer service site is connected through network), **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated)
- **and a recording section which records said received hardware configuration information into a predetermined nonvolatile storage medium** (lines 20-30 of column 25 mention recording of configuration, which can be thought as part of the computer as computer receives the configuration from the storage) **with a hardware configuration information acquired previously** (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved)**, the previously acquired hardware configuration information containing a comparison field** (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record).

Meyer et al do not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer. However, Meyer et al store the configuration information during start-up (lines 15-25 of column 25).

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column

10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 15, Meyer et al teach the following limitations:

A recording medium in which a single program (cpqdiaga.exe) **to be executed by a computer** (Fig 3) **connected through a network to another computer** (lines 60-65 of column 25 mention that the invention is applicable to computers with multi-processors. The other processor is another computer and multi-processor architectures are networked) **having a plurality of devices** (Fig 3) **is stored, wherein said program comprises:**

- **a process of receiving hardware configuration information of each device** (lines 52-57 of column 2) **acquired at a plurality of predetermined timing sets** (lines 52-57 of column 2) **from the other computer through the network** (customer service site is connected through network), **wherein the predetermined timing sets comprise timing after OS is activated** (lines 3-6 of column 25 mention that the

present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated)

- **and a process of recording said received hardware configuration information into a predetermined nonvolatile storage medium** (lines 20-30 of column 25 mention recording of configuration) **with a hardware configuration information acquired previously** (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved)**, the previously acquired hardware configuration information containing a comparison field** (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record).

Meyer et al do not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS

comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column 10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 16, Meyer et al teach the following limitations:

A method of managing a hardware configuration environment comprising: storing in a predetermined nonvolatile storage medium (lines 20-30 of column 25 mention recording of configuration) with previously acquired hardware configuration (lines 20-30 of column 25 mention that chronological record of configuration settings are preserved) information containing a comparison field (lines 22-26 of column 25 mention that each configuration is time stamped. The time stamp is the comparison field, since each current configuration is compared with previous configuration (lines 25-30 of column 25). Time stamp provides the indication of "current" and "previous" record) and currently acquired hardware configuration information (lines 25-30 of column 25) comprising a plurality of predetermined timing sets by operation of a single computer program upon computer initialization (lines 52-57 of column 2), the predetermined timing sets comprise timing after OS is activated (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated)

Meyer et al do not explicitly mention that the predetermined timing sets comprise timing at the time of executing BIOS of the computer.

Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is

determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

Although Cleary acquires configuration during startup, it is not explicitly mentioned that acquiring is performed at a predetermined time after OS is activated. However, Cleary's system stores the configuration whenever the program is executed (lines 35-40 of column 7). Such a program can be executed when power is removed (lines 45-48 of column 7). Therefore, Cleary's system can execute the program during OS as power can be removed from the system during OS time.

Blumenau et al teach a system where configuration can be acquired during rebooting (lines 1-7 of column 8) and during OS run time (lines 1-10 of column 10). Therefore, acquiring information during BIOS and OS is within the scope of the ordinary skill at the time the invention was made.

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al and Blumenau. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that

executes during startup. Meyer et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

For claim 17, Cleary collects device characteristics information (capacity of a diskette mentioned in lines 35-40 of column 7). The information is collected during BIOS (lines 15-20 of column 10). Meyer collects the device operability information (lines 25-42 of column 4).

For claim 18, Meyer teaches the following limitations:

A method of managing hardware configuration information (lines 55-59 of column 1), **comprising: acquiring hardware configuration device operability information of the devices** (lines 25-42 of column 4) **at a time of executing an OS after the time of executing the BIOS with a program** (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated) **each time the computer is switched on** (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup)**; and**

recording the acquired hardware configuration information into a predetermined nonvolatile storage medium (according to lines 55-62 of column 2, the configuration file is stored as an ASCII text file called now.log) **with a hardware configuration information acquired previously** (lines 20-30 of

column 25 mention that chronological record of configuration settings are preserved).

Meyer does not teach the following limitations:
acquiring hardware configuration device characteristic information of devices at a time of executing BIOS with a computer program each time the computer is switched on

Cleary et al mention acquiring hardware configuration device characteristic information of devices (capacity of a diskette, adapter card initialization data mentioned in lines 35-40 of column 7) at a time of executing BIOS with a computer program each time the computer is switched on (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer and Cleary. One ordinary skill in the art would be motivated to capture the configuration data at the time of executing BIOS, since BIOS is the program that executes during startup. Meyer

et al captures configuration during startup and hence, it is customary to use BIOS for configuration capturing.

The combined teachings of Meyer and Cleary do not explicitly teach that a single program acquires the configuration during BIOS execution and OS execution. Blumenau et al teach a method of acquiring hardware configuration information (lines 25-41 of column 4), where the method is performed by a program embodied in a computer readable medium (lines 25-35 of column 4; lines 40-65 of column 8).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer, Cleary and Blumenau et al. One ordinary skill would be motivated to implement the method with a single program, since implementing method with software provides easy availability to the user.

7. Claims 6 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al (US Patent 6826715), in view of Cleary et al, further in view of Blumenau et al (US Patent 6240511), further in view of Burgess et al (US Patent 5758071).

For claim 6, Meyer et al and Cleary et al teach all of the limitations of claim 5 as stated above. However, Meyer et al and Cleary et al do not teach that the server compares the program version number related to a predetermined device included in the received hardware configuration information with a version number of the most up-to-date program and updates the program to the up-to-date program when comparison results in inconsistency.

Burgess et al teach the following limitations:

- the hardware configuration includes version number related to each device (note line 10-15 of column 6 of Burgess et al.) ;
- the server records the most up-to-date program and a version number thereof with respect to a program related to each device in the client (lines 45-61 of column 2)
- the server compares the program version number related to a predetermined device included in the received hardware configuration information with a version number of the most up-to-date program and updates the program to the up-to-date program when comparison results in inconsistency (lines 45-61 of column 2).

It would have been obvious to one ordinary skill in the art to combine the teachings of Meyer et al, Cleary et al, Blumenau and Burgess et al. One ordinary skill in the art would have been motivated to have computers connected in network and, acquire and store the configuration of monitored computer in a

storage medium by monitoring computer, since this may help a network administrator easily obtain the history of updates of software in the network so as to be able to maintain better control of what revision of software is provided to each computer in the network (lines 33-37 of column 2).

However, the combination of Meyer et al, Cleary et al, Blumenau and Burgess et al does not teach that the server computer acquires information of client computer to update the program to the most up-to-date program.

It is very likely that the computers connected to network follows client/server model. One ordinary skill in the art would have been motivated to consider the network administrator to have the server computer and the monitored computer as a client computer as network administrator typically uses server to update the client.

For claim 14, Meyer, in view of Cleary and Blumenau, does not explicitly mention about updating the program. Burgess et al teach the following limitations:
the hardware configuration information includes a version number of a program related to each device (lines 6-14 of column 6 mention that the driver and services available on the system includes the version number), **and the computer comprises:**

- **a comparison section which compares the version number of the program related to each device included in the hardware**

configuration information received from the other computer with the version number of the most up-to-date program related to said device (lines 43-47 of column 5 mention that the obtained configuration information is compared with prior configuration information. Lines 6-14 of column 6 mention that the configuration information includes version number of the driver);

- **and an update section which updates the program related to the device of the other computer to the most up-to-date program when the comparison results in inconsistency** (lines 35-38 of column 5 mention that the configuration changes on software updates and hardware upgrades are tracked. Lines 53-55 of column 5 mention that the configuration changes are sent to listeners, i.e., the second computer).

It would have been obvious for one ordinary skill in the art at the time the invention was made to combine the teachings of Meyer et al, Cleary et al, Blumenau and Burgess et al. One ordinary skill in the art would be motivated to update a program when version number does not match, since this operation is necessary for upgrading of program.

Response to Arguments

Applicant's arguments filed on 4/28/08 have been fully considered, but are not persuasive.

Applicant argues that prior art does not teach or suggest acquiring hardware information of each device at a plurality of predetermined timing sets, where the timing sets include timing at the time of executing BIOS of the computer and timing at the time of execution of OS after the time of executing the BIOS.

Examiner disagrees. Cleary et al mention acquiring and recording data at the time of executing the BIOS (lines 15-20 of column 10 mention that current system configuration is determined during POST. Lines 1-5 of column 11 mention that current system configuration is stored in non-volatile memory 248 during POST. Lines 25-26 of column 2 mention that BIOS sometimes include POST. Therefore, while BIOS comprises POST, BIOS is acquiring and recording current configuration in non-volatile memory). Meyer teaches acquiring and recording data during OS execution (lines 3-6 of column 25 mention that the present innovation is used on a computer running on windows operating system. Thus, timing sets comprise timing after OS is activated).

Applicant further argues that prior art does not teach acquiring the hardware configuration at two times using "a single computer program".

Examiner disagrees. Blumenau teaches a method of acquiring hardware configuration information (lines 25-41 of column 4), where the method is performed by a program embodied in a computer readable medium (lines 25-35

of column 4; lines 40-65 of column 8). Thus, the program that implements the method performs the acquiring of hardware configuration information. Since the method is implemented with a program, the hardware information is captured with one program.

Applicant further argues that prior art does not teach acquiring to occur "each time the computer is switched on".

Examiner disagrees. Meyer teaches acquiring to be performed each time the computer is switched on (lines 21-22 of column 25 mentioned that the configuration may be gathered at each startup). Cleary also acquires the configuration information during POST (lines 15-20 of column 10), which occurs during start up.

Applicant further argues that prior art does not teach collecting device characteristics information at the time of execution of BIOS and device operability information at the time of executing OS.

Examiner disagrees. Meyer teaches collecting device operability information, such as driver capabilities, whether system has PCMCIA capabilities, at the time of executing OS (lines 25-42 of column 4). Cleary et al mention acquiring hardware configuration device characteristic information of devices at the time of

executing BIOS (capacity of a diskette, adapter card initialization data mentioned in lines 35-40 of column 7).

Therefore, the claimed invention is obvious to one ordinary skill at the time the invention was made in view of Meyer, Cleary and Blumenau.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahmida Rahman whose telephone number is 571-272-8159. The examiner can normally be reached on Monday through Friday 8:30 - 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on

571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fahmida Rahman
Examiner
Art Unit 2116

/Nitin C. Patel/
Primary Examiner, Art Unit 2116